IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4676 OF 2005
IN
CRMINAL APPEAL NO. 682 OF 2005

Shakil Ahmed Anwar-ul Haq
Shaikh and Or. ..Applicants

Vs.

State of Maharashtra ..Respondents

...

Mr. Sarafaraj Khalife Advocate for Applicants
Mr. B.H.Mehta,A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : AUGUST 19,2005

P.C.

1. Heard the learned advocate for the applicants and learned A.P.P. for State.

2. The applicants are seeking bail. They have been convicted under Section 324 r.w. 34 of IPC. The maximum sentence imposed on the applicants is three years.

3. The learned advocate for the applicants has pointed out that the applicants were on bail pending trial and they have not misused the liberty granted to them. This statement is not controverted by the prosecution. The learned advocate for the applicants has further submitted that sentence imposed on the applicants is only three years and the appeal preferred by the applicants is not likely to be heard and disposed of within the period of three years.

4. The Supreme Court in the case of **Bhagwan Rama Gosai and Ors. Vs. State of Gujrat** reported in **(1999) 4 SCC 421,** has observed that if the sentence is of limited duration and the appeal cannot be heard expeditiously, then bail should be granted. It is not possible to hear the present appeal expeditiously. In view of all the facts and circumstances, I am inclined to grant bail.

5. The applicant no.1 Shakil Ahmed Anwar-ul Haq Shaikh and applicant no.2 Jamil Ahmed Shakil Ahmed Shaikh to be released on bail in the sum of

Rs.15,000/- each with one or two sureties to make up that amount. The applicants shall not enter into the jurisdiction of Park Site Police Station. The applicants shall report at Mumbra Police Station on the first Sunday on every month during the pendency of appeal.

6. Application is disposed of.

[V.K.TAHILRAMANI,J.]